
Prepared by and to be returned to: Mike Tertinger, Linn County Planning & Development
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RESOLUTION APPROVING A TEMPORARY USE

RESOLUTION # 2019-6-86

WHEREAS, John M Bickel, owner, and Martin Marietta Materials Real Estate Investments Inc., owner; InRoads LLC, petitioner; Case JTU19-0005, have requested the Linn County Board of Supervisors' permission to operate a portable asphalt plant at 1636 Marietta Rd, Ely Iowa.

AND WHEREAS, the Board of Supervisors makes the following Findings of Facts:

1. The portable asphalt plant will operate from July 1, 2019 and end by October 31, 2019.
2. A portable asphalt plant is permitted under the provisions of Article V, Section 107-93, §(c)(1) of the Linn County Unified Development Code.
3. The properties are located at 1636 Marietta Rd., Ely, Iowa.
4. 1636 Marietta Rd. is zoned AG (Agricultural).
5. Approximately 3.0 acres will be used for the temporary use.
6. The 3.0 acres proposed for the portable asphalt plant resides within an existing quarrying operation.
7. The existing quarry operates on approximately 250 acres of property under two ownerships.
8. The owners of the properties proposed for the portable asphalt plant are John M Bickel and Martin Marietta Materials Real Estate Investments Inc.
9. The operator of the portable asphalt plant will be InRoads LLC.
10. The plant may operate between the hours of 6:30 AM to 12:00 midnight, Monday through Saturday.
11. The applicant estimates an increase to a maximum of 240 vehicle trips per day due to the operation of the portable asphalt plant.

AND WHEREAS, the Linn County Technical Review Committee has examined the application and all conditions of approval are listed as part of this Resolution;

AND WHEREAS, the Temporary Use application has been examined by the Linn County Board of Supervisors at a public meeting on May 28, 2019, all interested persons having been heard;

NOW THEREFORE, BE IT RESOLVED, that the Linn County Board of Supervisors approve the application, Case JTU19-0005, subject to the following conditions:

LINN COUNTY PLANNING & DEVELOPMENT – (Zoning Division)

1. The Temporary Use may be reviewed at any time during the duration of the permit to ensure that all conditions have been or are being met.
2. All building, electrical, mechanical, plumbing and zoning permits will be obtained as necessary.
3. Adhere to the operating hours indicated in the temporary use application; 6:30 AM to 12:00 midnight, Monday through Saturday.
4. The temporary use permit period will begin July 1, 2019 and expire no later than October 31, 2019.
5. Restrooms are required to be available during the hours of operation.
6. The applicant or owner shall obtain and submit proof of a liability insurance policy prior to Board of Supervisors approval.
7. The petitioner shall sign an "Acceptance of Conditions" form which provides assurance that all conditions will be met prior to the Board of Supervisors Resolution of Approval, and specifically agrees to hold Linn County harmless from any and all damages or claims for damages that might arise or accrue by reason of approval of the Temporary Use permit by the Linn County Board of Supervisors. Further, by signing the "Acceptance of Conditions" form, the petitioner shall agree to allow employees of the County reasonable access to the property for inspection and for submission of documents to verify any additional information.

LINN COUNTY PLANNING & DEVELOPMENT – (Building Division)

1. All electrical wiring shall be in compliance with the National Electrical Code.

LINN COUNTY ENGINEERING DEPARTMENT

1. Access to be in compliance with Linn County Secondary Road Department current standards prior event. Entrance permit required for all existing entrances.
2. Traffic control is to be provided by the property owner during operation. Traffic shall be maintained on Old River Road between US Highway 30 and Marietta Road at all times.
3. The applicant shall be responsible for controlling dust on Old River Road between US Highway 30 and Marietta Road for the duration of the asphalt hauling and operation of the portable asphalt plant.
4. The applicant shall be responsible for repairing any damage to Old River Road between US Highway 30 and Marietta Road resulting from the hauling of asphalt, equipment, or other materials needed for the operation of the portable asphalt plant.

IOWA DEPARTMENT OF TRANSPORTATION

1. Traffic control is to be provided by the property owner during operation. Traffic shall be maintained on Marietta Road at all times.

LINN COUNTY HEALTH DEPARTMENT

1. Portable toilets are required, and hand washing stations are strongly recommended.

LINN COUNTY SHERIFF'S OFFICE

1. An after hours call list shall be supplied to the Linn County Sheriffs Office for emergency situations.
2. If a traffic problem would occur, contact shall be made to the Linn County Sheriffs Office to help alleviate the problem.
3. Traffic control is to be provided by the applicant during operation. Traffic shall be maintained on Marietta Road at all times.

LINN COUNTY EMERGENCY MANAGEMENT

1. A tone alert weather radio is required to be available on site and in use at any time the public is using the facility.

WHEREAS, failure to submit and/or comply with any of the conditions in a timely manner will revoke this Temporary Use Permit.

NOW, THEREFORE, BE IT RESOLVED, by the Linn County Board of Supervisors that said temporary use is hereby approved.

Passed and approved this 5th day of June, 2019.

Linn County Board of Supervisors

Spang Walker

Chair

[Signature]

Vice Chair

[Signature]

Supervisor

Aye: *3*

Nay: *0*

Abstain: 0

Absent: 0

Attest:

Joel Miller by Rebecca Shoap, Deputy
Joel Miller, Linn County Auditor

State of Iowa)
) SS
County of Linn)

I, Joel Miller, County Auditor of Linn County, Iowa hereby certify that at a regular meeting of the said Board of Supervisors the foregoing resolution was duly adopted by a vote of:

3 Aye 0 Nay 0 Abstain and 0 Absent from voting.

Joel Miller by Rebecca Shoap, Deputy
Joel Miller

by Rebecca Shoap, Deputy

Subscribed and sworn to before me by the aforesaid Joel Miller, on this 5th day of June, 2019.

Amanda Hoy
Notary Public State of Iowa

